

REMARKS

The Office Action dated December 30, 2003 presents the examination of claims 1-4, 6-7, 11-12, 14-16, 18, 20, and 24. Claims 6-7, 11-12, 14-16, and 24 are allowed. Claims 1 and 20 are amended. Support for subject matter added to claims 1 and 20 is found in the specification, such as on page 12, lines 20-27. No new matter is inserted into the application.

Rejection under 35 U.S.C. § 102

Henle '611

The Examiner rejects claims 1-4 and 20 under 35 U.S.C. § 102(b) for allegedly being anticipated by Henle '611 (U.S. Patent 5,693,611). Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Henle '611 is directed to semi-synthetic cyclic peptide compounds which are useful as antifungal and antiparasitic agents. Although Henle '611 discloses [1,1'-biphenyl]-4yl-3-pyridinyl, none of the diseases/disorders listed in claims 1 or 20 are caused by fungal or parasitic activity.

For this reason, Henle '611 fails to anticipate the present invention. Withdrawal of the instant rejection is therefore respectfully requested.

Lowe '766

The Examiner rejects claims 1, 3-4, 18, and 20 under 35 U.S.C. § 102(b) for allegedly being anticipated by Lowe '766 (WO 98/24766). Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Lowe '766 discloses 6-phenylpyridyl-2 amine derivatives which are useful as NOS inhibitors. The recitation of "5- or 6-membered heterocyclic group" in the definition for Y in claims 1 and 20 is amended to pyrrole, imidazole, pyrazole, pyridine, pyridazine, pyrimidine, pyrazine, triazole, triazine, isoxazole, oxazole, oxadiazole, isothiazole, thiazole, thiadiazole, furan, thiophene, tetrahydropyran, dihydropyridine, dihydropyridazine, dihydropyrazine, dioxane, oxathiolane, thiane, pyrrolidine, pyrroline, imidazolidine, imidazoline, pyrazolidine, pyrazoline, piperidine, and morpholine. Support for this amendment is found on page 12, lines 20-27 of the specification.

Lowe '766 fails to disclose any compounds within the scope of amended claims 1 or 20. Thus, the instant rejection is overcome.

Conclusion

Applicants respectfully submit that the above remarks and/or claim amendments render the present application into condition for allowance. The Examiner is respectfully requested to issue a Notice of Allowance indicating that claims 1-4, 6-7, 11-12, 14-16, 18, 20, and 24 are allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

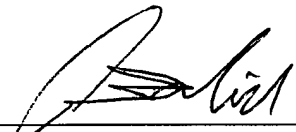
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

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required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension
of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #32,868
for Raymond C. Stewart, #21,066

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RCS/KLR
0032-0264P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000